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| 10/716,018 | 11/18/2003 | Robert P. Schoppman | | 4191 |

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EXAMINER

LORENZO, JERRY A

| ART UNIT | PAPER NUMBER |
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1734

DATE MAILED: 12/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/716,018

Applicant(s)

SCHOPPMAN, ROBERT P.

Examiner

Jerry A. Lorengo

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 05/10/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

(1)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,004,665 to Lühmann in view of U.S. Patent No. 5,622,761 to Cole.

Regarding applicant claim 1, Lühmann discloses a double sided adhesive tape comprising (abstract; column 5, lines 31-61):

- (1) A foam member (backing) having a first and second sides;
- (2) A first pressure-sensitive adhesive (PSA) having a first formulation disposed on the first side of the foam backing; and
- (3) A second PSA having a formulation different from that of the first PSA, the second PSA being disposed on the second surface of the foam backing.

Although Lühmann does not specifically disclose that the first adhesive is "weak" as compared to the second adhesive which is "strong," it would have been obvious to one of ordinary skill in the art at the time of invention to provide the first and second adhesives of Lühmann with differential adhesive strengths, i.e., one "weak" and one "strong," motivated by the fact that Cole, also drawn to double-sided adhesive tapes comprising a first and second

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adhesive disposed on either side of a backing, disclose that providing adhesives having differential strength provides for varying releasability of two objects adhered together by the tape (abstract; column 3, line 65).

Regarding applicant claims 2-5 and 7, Lühmann discloses that the foam backing is resilient and compressible and may be utilized in thicknesses of between 174 μ m to 30mm (0.00685 to 1.18 inches) (column 5, lines 1-10).

(2)

Claims 6 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as combined in section (1), above, in further view of U.S. Patent No. 4,199,645 to Schwartz.

The references as combined above disclose a double sided adhesive tape comprising: A foam member (backing) having a first and second sides; a first pressure-sensitive adhesive (PSA) having a first weak adhesive formulation disposed on the first side of the foam backing; and a second PSA having a strong adhesive formulation different from that of the first PSA, the second PSA being disposed on the second surface of the foam backing. Although they do not specifically disclose the use, as per applicant claims 6 and 8-10, of a first and second release liners disposed on the exposed surface of each of the first and second adhesive layers, it would have been obvious to one of ordinary skill in the art at the time of invention to provide such release liners on the double sided adhesive tape of Lühmann motivated by the fact that the use of such release liners is typical and well-known in the art, such as those taught by Schwartz, also drawn to double sided adhesive tapes having a first and second adhesive layers with differential bonding properties (Figures 1 and 2; column 3, lines 54-64).

Although none of the prior art specifically disclose, as per applicant claim 9, the use of differentially sized release liners utilized to indicate which of the underlying adhesive layers is the stronger or weaker of the two, it would have been obvious to one of ordinary skill in the art at the time of invention to provide the double sided adhesive tape resulting from the references as combined with such an indicative means motivated by the fact that Schwartz also teach that for the correct use of the tape, both of the adhesive surfaces must be appropriately identified by providing any suitable identification expedients (column 2, lines 31-35).

(3)

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,526,947 to Pasek in view of U.S. Patent No. 4,435,381 to Brislin,

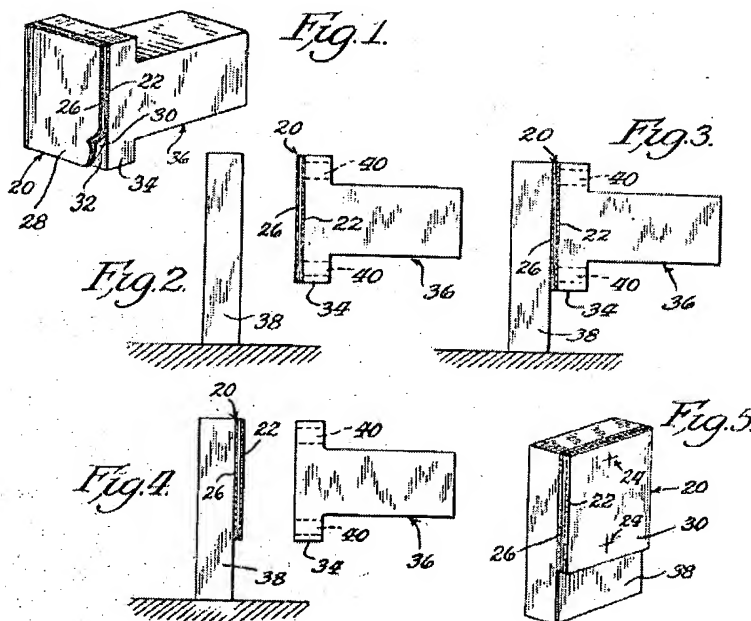
Regarding applicant claim 11, Pasek discloses a method for transferring a template 20 from a first surface 32 to a second surface 38, comprising the steps of (Figures 1-5; column 5, lines 12-75):

(1) Fashioning a template member in the shape of a mounting surface (object) 32 of a surface 34,36 wherein the template comprises a substrate 20 comprising a substrate having a weak adhesive layer 30 on a first side and a strong adhesive layer 28 on a second side thereof in the shape of a mounting surface (an object);

(2) Temporarily affixing the first side of the template 20 to the first surface 32 by the weak adhesive surface 30;

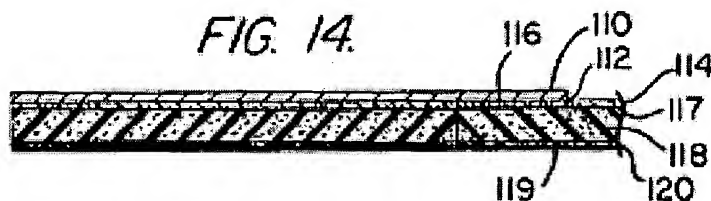
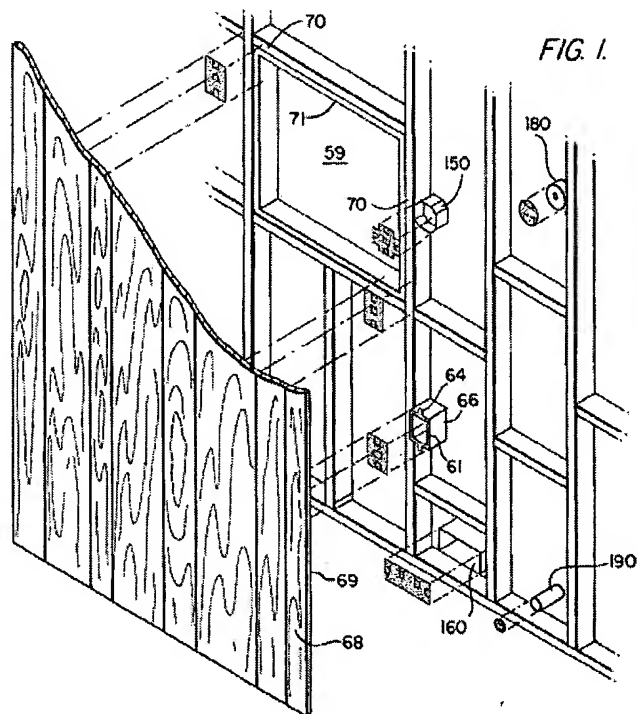
(3) Engaging the second surface 38 with the second strong adhesive side 28 of the template 20; and

(4) Withdrawing the second surface 38 from the first surface 32 wherein the template transfers to the second surface 38 from the first surface 32 via the strong adhesive surface 28 of the template 20. The method of Pasek is illustrated below:



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Although Pasek does not specifically disclose, as per applicant claim 11, that the template comprises a foam core or backing onto which the first and second adhesive layers are disposed, it would have been obvious to one of ordinary skill in the art at the time of invention to provide the template of Pasek with a foam core backing motivated by the fact that Brislin, also drawn to transferable adhesive templates, disclose that the provision of a template with a foam core or backing enables the template to be utilized in situations wherever strength and flexibility are required or for compensating for variations in surface contours (Figures 1 and 14; column 6, lines 11-20). The method of Brislin is illustrated below:



(4)

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as combined in section (3), above, in further view of U.S. Patent No. 4,199,645 to Schwartz

The references as combined in section (3), above, disclose a method for transferring a template from a first surface to a second surface. Although they disclose a template comprising a foam core or backing having a first and second differential adhesives disposed on opposite surfaces, they do not specifically disclose the use, as per applicant claim 12, of a first and second release liners disposed on the exposed surface of each of the first and second adhesive layers.

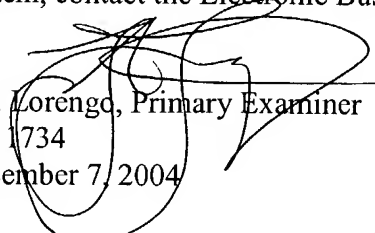
Nonetheless, it would have been obvious to one of ordinary skill in the art at the time of invention to provide such release liners on the double sided adhesive template resulting from the references as combined in section (3), above, motivated by the fact that the use of such release liners is typical and well-known in the art, such as those taught by Schwartz, also drawn to double sided adhesive laminates having a first and second adhesive layers with differential bonding properties (Figures 1 and 2; column 3, lines 54-64). Schwartz further discloses that the release liners protect the adhesive layers prior to use of the double sided adhesive laminate and are removed prior to attachment of the respective adhesive layer of the laminate to a target substrate (column 4, lines 39-47).

(5)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry A. Lorengo whose telephone number is (571) 272-1233. The examiner can normally be reached on Monday through Friday, 8:30 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


J.A. Lorengo, Primary Examiner
AU 1734
December 7, 2004